

**BEFORE THE
PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA**

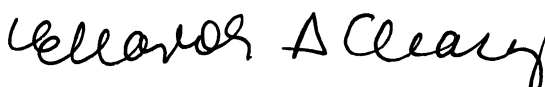
Petition of South Carolina Electric & Gas)
Company for Updates and Revisions to)
Schedules Related to the Construction of a)
Nuclear Base Load Generation Facility at)
Jenkinsville, South Carolina)

Docket No. 2016-223-E

**MOTION OF CMC STEEL SOUTH CAROLINA FOR
ADMISSION *PRO HAC VICE***

CMC Steel South Carolina (“CMC”) respectfully moves the Public Service Commission of South Carolina (“Commission”) to permit Damon E. Xenopoulos to practice *pro hac vice* before the Commission in the above-referenced matter. Pursuant to Rule 404 of the South Carolina Appellate Court Rules, Mr. Xenopoulos, together with the undersigned counsel of record, has filed a Verified Application for Admission *Pro Hac Vice* with the South Carolina Supreme Court. A file-stamped copy of the application indicating that it has been filed with the Supreme Court is attached.

Respectfully submitted this 20th day of July, 2016.



Eleanor Duffy Cleary
Cleary Law LLC
1116 Blanding Street, Suite 2B
Columbia, SC 29201
(803) 376-0075

Local Counsel for CMC Steel South Carolina

**VERIFIED APPLICATION FOR ADMISSION *PRO HAC VICE*
IN THE STATE OF SOUTH CAROLINA**

In re: Petition for Updates and Revisions
to Schedules Related to the Construction
of a Nuclear Base Load Generation
Facility at Jenkinsville, South Carolina

Plaintiff

2016-223-E

Case No.

Public Service Commission
of South Carolina

Tribunal

vs.

Mailing Address of Tribunal:

101 Executive Center Drive
Columbia, SC 29210

Defendant

Comes now Damon E. Xenopoulos, applicant herein, and respectfully represents the following:

1. Applicant resides at:

7200 Broxburn Drive

Street Address

Bethesda

City

Montgomery

County

Maryland

State

20817

Zip Code

202-271-1624

Telephone

2. Applicant is an attorney and a member of the law firm of (or practices law under the name of)
Stone Mattheis Xenopoulos & Brew, PC, with offices at

1025 Thomas Jefferson Street, N.W., Eighth Floor West

Street Address

Washington

City

County

District of Columbia

State

20007

Zip Code

202-342-0800

Primary Telephone

202-271-1624

Cell Phone

202-342-0807

Fax Number

DEX@smxblaw.com

Email Address

3. Applicant has been retained personally or as a member of the above-named law firm by
CMC Steel South Carolina to provide legal representation in connection with the above case
now pending before the above-named tribunal of the State of South Carolina.

4. Since October 4 of 1993 applicant has been, and presently is, a member in good
standing of the bar of the highest court of the District of Columbia or the State of _____ where
applicant regularly practices law. Attached is a certificate of good standing dated within the last 90 days from
the bar of the highest court of the District of Columbia or the State where applicant regularly practices law.

5. Applicant has been admitted to practice before the following courts: (List all of the following
courts applicant has been admitted to practice before: United States District Courts; United States Circuit
Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of
Columbia.)

RECEIVED

JUL - 8 2016

S.C. SUPREME COURT

| Court: | Date Admitted: |
|---|------------------|
| Appellate Division of the Supreme Court of the State of New York First Judicial Dept. | February 1, 1988 |
| Supreme Court of California | June 6, 1989 |
| United States Court of Appeals for the Ninth Circuit | June 22, 1989 |
| United States Court of Appeals for the Federal Circuit | May 24, 1990 |
| United States Court of International Trade | February 7, 1991 |
| District of Columbia Court of Appeals | October 4, 1993 |

Applicant is presently a member in good standing of the bars of those courts listed above, except as listed below: (List any court named in the preceding paragraph that applicant is no longer admitted to practice before.)

Not Applicable (California bar membership is inactive at Applicant's election.)

6. Applicant presently is not subject to any suspension or disbarment proceedings, and has not been formally notified of any complaints pending before a disciplinary agency, except as provided below (give particulars, e.g., jurisdiction, court date):

Not Applicable

7. Applicant never has had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked, except as provided below (give particulars, e.g., date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation):

Indiana Supreme Court, Cause No. 94S00-1206-MS-327, for repeated appearances by applicant or by members of his law firm. The court stated that "the [applicable Indiana] rule articulates grounds upon which a finding of 'good cause' may be made, but we find none of those grounds sufficiently supported in the petition to justify a finding of 'good cause.'" (The petition was, in pertinent part, similar to those previously filed by the applicant and granted by the Indiana Supreme Court.) (A copy of the Indiana Order is attached.)

8. Applicant never has had any certificate or privilege to appear and practice before any court or administrative body suspended or revoked, except as provided below (give particulars, e.g., date, court, administrative body, date of suspension and reinstatement):

Not Applicable

9. Local counsel of record associated with applicant in this case is Eleanor Duffy Cleary of Cleary Law LLC, which has offices at:

1116 Blanding Street, Suite 2B

Street Address

Columbia

City

Richland

County

South Carolina

State

29201

Zip Code

803-376-0075

Primary Telephone

803-414-9598

Cell Phone

N/A

Fax Number

ellen@eleanorclearylalaw.com

Email Address

7068

South Carolina Bar Number

10. Applicant has previously filed an application to appear *pro hac vice* in the following South Carolina cases (give case name and status of litigation, date of application, local counsel of record in each case, and state whether application is pending or was granted).

The following list reflects Applicant's last six years of *pro hac vice* applications and activity in South Carolina:

| |
|---|
| <p>Name: Docket No. 2009-261-E, South Carolina Electric & Gas Company's Request for Approval of Demand Side Management Plan Including a Demand Side Management Rate Rider and Portfolio of Energy Efficiency Programs</p> <p>Status: Settlement approved by Commission Order July 15, 2010</p> <p><i>Pro Hac Vice</i> Application: September 8, 2009 and granted by Commission Order</p> <p>Local Counsel: E. Wade Mullins</p> |
| <p>Name: Docket No. 2009-489-E, Application of South Carolina Electric & Gas Company for Increases and Adjustments in Electric Rate Schedules and Tariffs</p> <p>Status: Commission Final Order issued July 15, 2010</p> <p><i>Pro Hac Vice</i> Application: March 16, 2010 and granted by Commission Order</p> <p>Local Counsel: E. Wade Mullins</p> |
| <p>Name: Docket No. 2010-376-E, Petition of South Carolina Electric & Gas Company for Updates and Revisions to Schedules Related to the Construction of a Nuclear Base Load Generation Facility at Jenkinsville, South Carolina</p> <p>Status: Commission Final Order issued May 16, 2011</p> <p><i>Pro Hac Vice</i> Application: February 4, 2011 and granted by Commission Order</p> <p>Local Counsel: Debra Sherman Tedeschi</p> |
| <p>Name: Docket No. 2011-2-E, Annual Review of Base Rates for Fuel Costs of South Carolina Electric & Gas Company</p> <p>Status: Settlement approved by Commission Order April 26, 2011</p> <p><i>Pro Hac Vice</i> Application: February 3, 2011 and granted by Commission Order</p> <p>Local Counsel: Debra Sherman Tedeschi</p> |
| <p>Name: Docket No. 2011-207-E, Application of South Carolina Electric & Gas for Approval to Revise Rates Under the Base Load Review Act</p> <p>Status: Commission Order Issued September 30, 2011</p> <p><i>Pro Hac Vice</i> Application: July 29, 2011 and granted by Commission Order</p> <p>Local Counsel: Debra Sherman Tedeschi</p> |
| <p>Name: Docket No. 2012-2-E, Annual Review of Base Rates for Fuel Costs of South Carolina Electric & Gas Company</p> <p>Status: Commission Order Issued April 24, 2012</p> <p><i>Pro Hac Vice</i> Application: February 1, 2012 and granted by Commission Order</p> <p>Local Counsel: Kevin Hall</p> |
| <p>Name: Docket No. 2014-2-E, Annual Review of Base Rates for Fuel Costs of South Carolina Electric & Gas Company</p> <p>Status: Commission Order Issued July 25, 2014</p> <p><i>Pro Hac Vice</i> Application: January 24, 2014 and granted by Commission Order</p> <p>Local Counsel: Kevin Hall</p> |

Name: Docket No. 2015-2-E, Annual Review of Base Rates for Fuel Costs of South
Carolina Electric & Gas Company

Status: Open

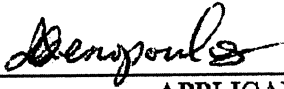
Pro Hac Vice Application: May 1, 2015 and granted by Commission Order

Local Counsel: Charles L.A. Terreni

11. Applicant agrees to comply with the applicable statutes, laws and rules of the State of South Carolina and will familiarize him/herself with and comply with the South Carolina Rules of Professional Conduct. Applicant consents to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct.

12. Applicant respectfully requests to be admitted to practice in the above-named tribunal for this case only.

DATED this 29th day of June, 2016.



APPLICANT

In the
Indiana Supreme Court

FILED
JUN 15 2012
Harris
CLERK OF COURT

| | | |
|---------------------------|---|-------------------------|
| IN THE MATTER OF THE |) | Supreme Court Cause No. |
| TEMPORARY ADMISSION OF |) | 94800-1206-MS-327 |
| DAMON E. XENOPOULOS |) | |
| TO APPEAR IN AN INDIANA |) | |
| ADMINISTRATIVE PROCEEDING |) | |

ORDER DENYING PETITION FOR TEMPORARY ADMISSION TO
APPEAR IN ADMINISTRATIVE PROCEEDING

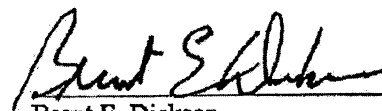
Attorney Damon E. Xenopoulos (hereinafter "Petitioner") of Brickfield, Burchette, Ritts & Stone, P.C., seeks temporary admission to appear on behalf of Steel Dynamics, Inc., LLC before the Indiana Utility Regulatory Commission in Application of Duke Energy Indiana, Inc. for Approval of a Change in Its Fuel Cost Adjustment for Electric Service, for Approval of a Change in Its Fuel Cost Adjustment for High Pressure Steam Service, and to Update Monthly Benchmarks for Calculation of Purchased Power Costs in Accordance with Indiana Code 8-1-2-42, Indiana Code 8-1-2-42.3 and Various Orders of the Indiana Utility Regulatory Commission, Cause No. 38707-FAC 92. The petition and our record indicate that during the last five years, Petitioner or members of Petitioner's firm have appeared before Indiana courts or administrative agencies by temporary admission in at least ten (10), and possibly as many as fourteen (14), other matters.

Indiana Admission and Discipline Rule 3, section 2(a)(4)(vii) states in relevant part, "Absent good cause, repeated appearances by any person or by members of a single law firm pursuant to this rule shall be cause for denial of the petition." That rule articulates grounds upon which a finding of "good cause" may be made, but we find none of those grounds sufficiently supported in the petition to justify a finding of "good cause."

Accordingly, Petitioner's Verified Petition for Temporary Admission is DENIED.

The Clerk is directed to send copies of this order to Damon Xenopoulos and Robert K. Johnson.

Done at Indianapolis, Indiana, this 15th day of June, 2012.



Brent E. Dickson
Chief Justice of Indiana

VERIFICATION

STATE OF DISTRICT OF COLUMBIA
COUNTY OF _____

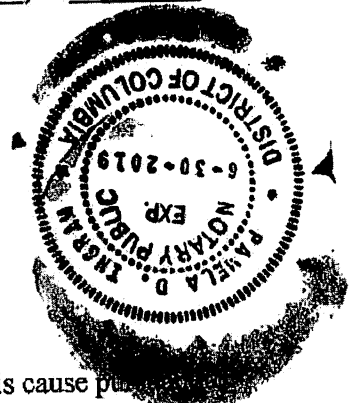
I, Damon E. Xenopoulos, do hereby swear or affirm under penalty of perjury that I am the applicant in the above-styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true. I understand that I am under a continuing duty to promptly update the information provided in the application until the tribunal has ruled on the motion for admission pro hac vice. Further, if the motion is granted, I understand that I am under a continuing duty to promptly update the information provided in the application as long as I continue to appear pro hac vice in the action or proceeding. Any updated information shall be provided to both the tribunal that granted the motion and to the tribunal in which the action or proceeding may then be pending.

Damon E. Xenopoulos
APPLICANT/AFFIANT

Subscribed and sworn to before me this 29th day of June, 2016.

Samuel D. Long
Notary Public for the State of DISTRICT OF COLUMBIA

My Commission Expires: June 30, 2019
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires June 30, 2019



LOCAL COUNSEL CONSENT

I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to the Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

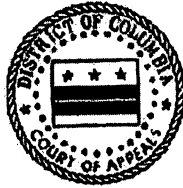
DATED this 7th day of July, 2016.

Charles A. Cleary
LOCAL COUNSEL OF RECORD

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this application upon the South Carolina Supreme Court by mail addressed to: South Carolina Supreme Court Office of Bar Admissions, P.O. Box 11330, Columbia, SC 29211, accompanied by payment of the \$250 filing fee payable to the South Carolina Supreme Court on this 7th day of July, 2016.

Charles A. Cleary
APPLICANT/AFFIANT



District of Columbia Court of Appeals
Committee on Admissions
430 F Street, N.W. — Room 123
Washington, D. C. 20001
202 / 879-2710

I, JULIO A. CASTILLO, Clerk of the District of Columbia Court
of Appeals, do hereby certify that


DAMON E. XENOPOULOS

was on **OCTOBER 4, 1993** duly qualified and admitted as an
attorney and counselor entitled to practice before this Court and is,
on the date indicated below, an active member in good standing of
this Bar.

In Testimony Whereof, I have
hereunto subscribed my name
and affixed the seal of this Court
at the City of Washington, D.C.,
on **JUNE 21, 2016**.

JULIO A. CASTILLO
Clerk of the Court

By:


Deputy Clerk

**BEFORE THE
SOUTH CAROLINA PUBLIC SERVICE COMMISSION**

Docket No. 2016-223-E

| | | |
|--|---|------------------------|
| Petition of South Carolina Electric & Gas |) | |
| Company for Updates and Revisions to |) | |
| Schedules Related to the Construction of a |) | CERTIFICATE OF SERVICE |
| Nuclear Base Load Generation Facility at |) | |
| <u>Jenkinsville, South Carolina</u> |) | |

This is to certify that I have caused to be served this 6th day of July, 2016, a copy of the *Motion of CMC Steel South Carolina for Admission Pro Hac Vice* via first-class mail, postage prepaid, to the persons named below at the addresses set forth below:

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Email: matthew.gissendanner@scana.com

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Email: selliot@elliottlaw.us



Eleanor Duffy Cleary
Cleary Law LLC
1116 Blanding Street, Suite 2B
Columbia, SC 29201

Local Counsel for CMC Steel South Carolina